

I certify this to be a true and correct  
copy of the indicated document as  
referred or transmitted to committee.

Chief Clerk of the House

**FILED** MAR 05 2009



By: \_\_\_\_\_

H.J.R. No. 85

A JOINT RESOLUTION

1 proposing a constitutional amendment to allow the legislature to  
2 provide for members of a governing board of an emergency services  
3 district to serve terms not to exceed four years.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 30(c), Article XVI, Texas Constitution,  
6 is amended to read as follows:

7 (c) The Legislature may provide that members of the  
8 governing board of a district or authority created by authority of  
9 Article III, Section 48-e, Article III, Section 52(b)(1) or (2), or  
10 Article XVI, Section 59, of this Constitution serve terms not to  
11 exceed four years.

12 SECTION 2. This proposed constitutional amendment shall be  
13 submitted to the voters at an election to be held November 3, 2009.  
14 The ballot shall be printed to permit voting for or against the  
15 proposition: "The constitutional amendment to provide that elected  
16 members of the governing boards of emergency services districts may  
17 serve terms not to exceed four years."

**HOUSE**  
**COMMITTEE REPORT**  
**1<sup>st</sup> Printing**

2009 APR 16 PM 6:08

HOUSE OF REPRESENTATIVES

By: Harless

H.J.R. No. 85

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17 serve terms not to exceed four years."

# COMMITTEE REPORT

The Honorable Joe Straus  
Speaker of the Texas House of Representatives

4/9/09  
(date)

Sir:

We, your **COMMITTEE ON COUNTY AFFAIRS**

to whom was referred HJR 85 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
☒ yes ☐ no A fiscal note was requested.  
☐ yes ☒ no A criminal justice policy impact statement was requested.  
☐ yes ☒ no An equalized educational funding impact statement was requested.  
☐ yes ☒ no An actuarial analysis was requested.  
☐ yes ☒ no A water development policy impact statement was requested.  
☐ yes ☒ no A tax equity note was requested.  
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

Corresponding joint resolution or enabling legislation number: HB 2529

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
GARNET F. COLEMAN, Chair	<input checked="" type="checkbox"/>			
GEANIE W. MORRISON, Vice-Chair				<input checked="" type="checkbox"/>
Leo Berman				<input checked="" type="checkbox"/>
John E. Davis	<input checked="" type="checkbox"/>			
Wayne Smith	<input checked="" type="checkbox"/>			
Joaquin Castro	<input checked="" type="checkbox"/>			
Valinda Bolton	<input checked="" type="checkbox"/>			
Ralph Sheffield				<input checked="" type="checkbox"/>
Marisa Marquez	<input checked="" type="checkbox"/>			

Total

6 aye  
0 nay  
0 present, not voting  
3 absent

CHAIR

## **BILL ANALYSIS**

H.J.R. 85  
By: Harless  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

H.B. 2653, 80th Legislature, Regular Session, 2007, changed the governing body of an emergency service district in Harris County from an appointed board to an elected board.

Under the current structure, board commissioner elections must be held every year in keeping with the staggered seat assignments for the district boards. There was discussion when HB. 2653 was being debated about changing the terms of office for the boards from two-year terms to four-year terms.

Under Section 30, Article XVI, Texas Constitution, the duration of all public terms of office is two years unless otherwise provided in the constitution. The district board commissioners currently serve two-year terms.

H.J.R. 85 proposes a constitutional amendment to allow the legislature to provide for members of a governing board of an emergency services district to serve terms not to exceed four years.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.J.R. 85 proposes an amendment to the Texas Constitution to establish that the Legislature may provide that members of the governing board of a district or authority created by authority of provisions in the Texas Constitution relating to emergency services districts, in addition to a district or authority created by authority of certain other provisions, serve terms not to exceed four years. The resolution sets forth the required language for the ballot.

### **ELECTION DATE**

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 3, 2009.

## SUMMARY OF COMMITTEE ACTION

HJR 85

April 06, 2009 2:00 PM or upon final adjourn./recess

Considered in public hearing

Testimony taken/registration(s) recorded in committee

Left pending in committee

April 09, 2009 upon final adjourn./recess

Considered in public hearing

Reported favorably without amendment(s)

WITNESS LIST

HJR 85  
HOUSE COMMITTEE REPORT  
County Affairs Committee

April 6, 2009 - 2:00 PM or upon final adjourn./recess

For: Grogg, Don (Self)  
Terry, Dale (Self)

Registering, but not testifying:

For: Avery, Cliff (State Assn. of Fire & Emergency Districts (SAFE-D))  
Bobbe, Fred (Harris County ESD-6)  
Campbell, Ken (Self and State Association of Fire and Emergency Districts)  
Katz, Howard (Harris County ESD 46)

3

1

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 1, 2009**

**TO:** Honorable Garnet Coleman, Chair, House Committee on County Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR85** by Harless (Proposing a constitutional amendment to allow the legislature to provide for members of a governing board of an emergency services district to serve terms not to exceed four years.), **As Introduced**

**No fiscal implication to the State is anticipated, other than the cost of publication.**

**The cost to the state for publication of the resolution is \$90,882.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, DB

F

# HOUSE ENGROSSMENT

By: Harless

H.J.R. No. 85

## A JOINT RESOLUTION

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9 Article III, Section 48-e, Article III, Section 52(b)(1) or (2), or  
10 Article XVI, Section 59, of this Constitution serve terms not to  
11 exceed four years.

12 SECTION 2. This proposed constitutional amendment shall be  
13 submitted to the voters at an election to be held November 3, 2009.  
14 The ballot shall be printed to permit voting for or against the  
15 proposition: "The constitutional amendment to provide that elected  
16 members of the governing boards of emergency services districts may  
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**LEGISLATIVE BUDGET BOARD**  
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, DB

1-1 By: Harless (Senate Sponsor - Patrick) H.J.R. No. 85  
1-2 (In the Senate - Received from the House May 12, 2009;  
1-3 May 13, 2009, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 26, 2009, reported favorably by  
1-5 the following vote: Yeas 4, Nays 0; May 26, 2009, sent to printer.)

1-6 HOUSE JOINT RESOLUTION

1-7 proposing a constitutional amendment to allow the legislature to  
1-8 provide for members of a governing board of an emergency services  
1-9 district to serve terms not to exceed four years.

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1-21 proposition: "The constitutional amendment to provide that elected  
1-22 members of the governing boards of emergency services districts may  
1-23 serve terms not to exceed four years."

1-24 \* \* \* \* \*

**FAVORABLE  
SENATE COMMITTEE REPORT ON**

SB SCR SJR ~~SR~~ HB HCR EJR 85  
By Patrick  
(Author/Senate Sponsor)  
5-26-09  
(date)

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS, to which was referred the attached measure, have on 5-20-09, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator West, Chairman	<u>✓</u>			
Senator Nichols, Vice-Chairman			<u>✓</u>	
Senator Gallegos	<u>✓</u>			
Senator Patrick	<u>✓</u>			
Senator Wentworth	<u>✓</u>			
TOTAL VOTES	<u>4</u>	<u>0</u>	<u>1</u>	<u>0</u>

**COMMITTEE ACTION**

☒ S260 Considered in public hearing  
☐ S270 Testimony taken

2809 White  
COMMITTEE CLERK

[Signature]  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

WITNESS LIST

HJR 85

Senate Committee Report

Intergovernmental Relations

May 20, 2009 - 7:30 AM

Registering, but not testifying:

For:

Carlton, John (Texas State Association of Fire & Emergency Districts), Austin, TX

Katz, Howard (Harris County ESD no. 11), Houston, TX

## **BILL ANALYSIS**

Senate Research Center  
81R10045 SJM-F

H.J.R. 85  
By: Harless (Patrick, Dan)  
Intergovernmental Relations  
5/18/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.J.R. 85 proposes a constitutional amendment to allow the legislature to provide for members of a governing board of an emergency services district to serve terms not to exceed four years.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 30(c), Article XVI, Texas Constitution, to authorize the legislature to provide that members of the governing board of a district or authority created by authority of Article III, Section 48-e (Emergency Services District) of this Constitution serve terms not to exceed four years.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2009. Sets forth the required language of the ballot.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 18, 2009**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR85** by Harless (Proposing a constitutional amendment to allow the legislature to provide for members of a governing board of an emergency services district to serve terms not to exceed four years.), **As Engrossed**

**No fiscal implication to the State is anticipated, other than the cost of publication.**

**The cost to the state for publication of the resolution is \$90,882.**

**Local Government Impact**

**No fiscal implication to units of local government is anticipated.**

**Source Agencies:**

**LBB Staff:** JOB, DB

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 1, 2009**

**TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs**

**FROM: John S. O'Brien, Director, Legislative Budget Board**

**IN RE: HJR85 by Harless (Proposing a constitutional amendment to allow the legislature to provide for members of a governing board of an emergency services district to serve terms not to exceed four years.), As Introduced**

**No fiscal implication to the State is anticipated, other than the cost of publication.**

**The cost to the state for publication of the resolution is \$90,882.**

**Local Government Impact**

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**Source Agencies:**

**LBB Staff: JOB, DB**

F

ENROLLED

H.J.R. No. 85

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H.J.R. No. 85

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President of the Senate

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Speaker of the House

I certify that H.J.R. No. 85 was passed by the House on May 11, 2009, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.J.R. No. 85 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

RECEIVED:

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Date

---

Secretary of State

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.J.R. No. 85<sup>✓</sup> was passed by the House on  
(1)

May 11<sup>✓</sup>, 2009, by the following vote:  
(2)

Yeas 141<sup>✓</sup>, Nays 0, 2 present, not voting  
(3) (4)

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.J.R. No. 85<sup>✓</sup> was passed by the Senate on

May 27<sup>✓</sup>, 2009, by the following vote:  
(5)

Yeas 31<sup>✓</sup>, Nays 0  
(6) (7)

\_\_\_\_\_  
Secretary of the Senate

RECEIVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of State

\*\*\*\* Preparation: CT23

**81ST LEGISLATURE****COAUTHOR AUTHORIZATION**

(please request your coauthors to sign this form  
in lieu of the front or the back of the original bill)

Bill or Resolution Number: HJR 85

Patricia Harless  
signature of primary author

Patricia Harless  
printed name of primary author

3.27.09  
Date

PERMISSION TO SIGN ~~#8~~ HJR 85 HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)

☒ ALL REPRESENTATIVES

☐ THE FOLLOWING REPRESENTATIVE(S): \_\_\_\_\_

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

Allen, Alma	Date	Coleman, Garnet	Date	Farias, Joe	Date
Alonzo, Roberto	Date	Cook, Byron	Date	Farrar, Jessica	Date
Alvarado, Carol	Date	Corte, Jr., Frank	Date	Fletcher, Allen	Date
Anchia, Rafael	Date	Crabb, Joe	Date	Flores, Ismael "Kino"	Date
Anderson, Charles "Doc"	Date	Craddick, Tom	Date	Flynn, Dan	Date
Aycock, Jimmie Don	Date	Creighton, Brandon	Date	Frost, Stephen	Date
Berman, Leo	Date	Crownover, Myra	Date	Gallego, Pete	Date
Bohac, Dwayne	Date	Darby, Drew	Date	Gattis, Dan	Date
Bolton, Valinda	Date	Davis, John E.	Date	Geren, Charlie	Date
Bonnen, Dennis	Date	Davis, Yvonne	Date	Giddings, Helen	Date
Branch, Dan	Date	Deshotel, Joe	Date	Gonzales, Veronica	Date
Brown, Betty	Date	Driver, Joe	Date	Gonzalez Toureilles, Yvonne	Date
Brown, Fred	Date	Dukes, Dawanna	Date	Guillen, Ryan	Date
Burnam, Lon	Date	Dunnam, Jim	Date	Gutierrez, Roland	Date
Button, Angie Chen	Date	Dutton, Jr., Harold	Date	Hamilton, Mike	Date
Callegari, Bill	Date	Edwards, Al	Date	Hancock, Kelly	Date
Castro, Joaquin	Date	Eiland, Craig	Date	Hardcastle, Rick	Date
Chávez, Norma	Date	Eissler, Rob	Date	Harless, Patricia	Date
Chisum, Warren	Date	Elkins, Gary	Date	Harper-Brown, Linda	Date
Christian, Wayne	Date	England, Kirk	Date	Hartnett, Will	Date
Cohen, Ellen	Date	Farabee, David	Date	Heflin, Joe	Date

Hernandez, Ana E.	Date	Mallory Caraway, Barbara	Date	Raymond, Richard Peña	Date
Herrero, Abel	Date	Marquez, Marisa	Date	Riddle, Debbie	Date
Hilderbran, Harvey	Date	Martinez, Armando	Date	Rios Ybarra, Tara	Date
Hochberg, Scott	Date	Martinez Fischer, Trey	Date	Ritter, Allan	Date
Hodge, Terri	Date	McCall, Brian	Date	Rodriguez, Eddie	Date
Homer, Mark	Date	McClendon, Ruth Jones	Date	Rose, Patrick	Date
Hopson, Chuck	Date	McReynolds, Jim	Date	Sheffield, Ralph	Date
Howard, Charlie	Date	Menendez, Jose	Date	Shelton, Mark	Date
Howard, Donna	Date	Merritt, Tommy	Date	Smith, Todd	Date
Hughes, Bryan	Date	Miklos, Robert	Date	Smith, Wayne	Date
Hunter, Todd	Date	Miller, Doug	Date	Smithee, John	Date
Isett, Carl	Date	Miller, Sid	Date	Solomons, Burt	Date
Jackson, Jim	Date	Moody, Joseph	Date	Strama, Mark	Date
Jones, Delwin	Date	Morrison, Geanie	Date	Straus, Joe	Date
Keffer, Jim	Date	Naishtat, Elliott	Date	Swinford, David	Date
Kent, Carol	Date	Oliveira, Rene	Date	Taylor, Larry	Date
King, Phil	Date	Olivo, Dora	Date	Thibaut, Kristi	Date
King, Susan	Date	Orr, Rob	Date	Thompson, Senfronia	Date
King, Tracy	Date	Ortiz, Jr., Solomon	Date	Truitt, Vicki	Date
Kleinschmidt, Tim	Date	Otto, John	Date	Turner, Chris	Date
Kolkhorst, Lois	Date	Parker, Tan	Date	Turner, Sylvester	Date
Kuempel, Edmund	Date	Patrick, Diane	Date	Vaught, Allen	Date
Laubenberg, Jodie	Date	Paxton, Ken	Date	Veasey, Marc	Date
Legler, Ken	Date	Peña, Aaron	Date	Villarreal, Mike	Date
Leibowitz, David	Date	Phillips, Larry	Date	Vo, Hubert	Date
Lewis, Tryon	Date	Pickett, Joe	Date	Walle, Armando	Date
Lucio III, Eddie	Date	Pierson, Paula	Date	Weber, Randy	Date
Madden, Jerry	Date	Pitts, Jim	Date	Woolley, Beverly	Date
Maldonado, Diana	Date	Quintanilla, Chente	Date	Zerwas, John	Date

H.J.R. No. 85

By Vatiana Davis

proposing a constitutional amendment to allow the legislature to provide for members of a governing board of an emergency services district to serve terms not to exceed four years.

MAR 05 2009 Filed with the Chief Clerk

MAR 11 2009 Read first time and referred to Committee on County Affairs

APR 09 2009 Reported favorably (~~as amended~~)  
(~~as substituted~~)

APR 17 2009 Sent to Committee on Calendars

MAY 11 2009 Read second time (~~as amended~~) (~~as amended~~) and adopted (~~as amended~~) by a record vote of 141 yeas, 0 nays, 2 present, not voting

Read third time (amended) and finally adopted (failed of adoption) by a record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

MAY 12 2009 Engrossed

MAY 12 2009 Sent to Senate

Robert Haney  
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 12 2009 Received from the House

MAY 13 2009 Read and referred to Committee on INTERGOVERNMENTAL RELATIONS

MAY 26 2009 Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

MAY 27 2009 Laid before the Senate

MAY 27 2009 Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

MAY 27 2009 Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

MAY 27 2009 Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 27 2009 Read third time, \_\_\_\_\_, and passed by 31 yeas, 0 nays

MAY 28 2009 Returned to the House

Aetsy Spaw  
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

**MAY 28 2009**

Returned from the Senate (~~amendments~~)  
(~~amendments~~)

House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,

Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;

Conference committee report adopted (rejected) by the House by a record vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

Conference committee report adopted (rejected) by the Senate by a record vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

2009 APR 16 PM 6:08

HOUSE OF REPRESENTATIVES